

United States District
Court Southern District
Western Division

FILED
KENNETH J. MURPHY
CLERK

Royshon Wally

vs

MONA PARKS ETAL

03 SEP 16 PM 12:34

Case NO. 01-01-739

Judge Dlott

M.J. Sherman

Motion to strike defendants motion for summary
Judgment per Civ R. 12(F) for failure to
~~be~~ serve upon plaintiff as held in Civ. R.
5(A) and (4)

On September 12, 2003 plaintiff ~~received~~
received a motion that was filed by ms.
piessman for leave to manually file the
exhibits referenced in "their" motion for
summary judgment in this case.

plaintiff never received a copy of defendants
motion for summary judgment which is
in violation of Civ. R. (5) and (4) which
states the filing party shall serve upon
the opposing party all pleadings and motions
filed ~~by~~ ~~them~~ by them. wally would have
not known defendants filed a motion
for summary judgment ~~if~~ ~~if~~ ~~if~~
if plaintiff would not have received
defendants motion to file exhibits manually

for these reasons plaintiff request that
 defendants motion for summary judgment
 be stricken from the record.

if this court does ~~not~~ decide to not
 strike defendants motion for summary
 judgment plaintiff request that the court
 stay defendants motion for summary judgment
 until plaintiffs motion to compel has been
 ruled on which is still pending before this
 court

for the foregoing reasons plaintiff
 request that his motion be granted

Rogers writing

A copy of the foregoing was sent to
 Matthew Pressman at 1600 Cedar Tower
 941 one st Cincinnati Ohio 45302 by
 Reginald C's mail on the 13th day of
 September 2003

Rogers writing